

Executive Summary – Enforcement Matter – Case No. 42843
BP Amoco Chemical Company
RN102536307
Docket No. 2011-1983-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

BP Texas City Chemical Plant B, 2800 Farm-to-Market Road 519 East, Texas City, Galveston County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 24, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,450

Amount Deferred for Expedited Settlement: \$2,290

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,580

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$4,580

Name of SEP: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Docket No. 2011-1983-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 26, 2011

Date(s) of NOE(s): October 14, 2011

Violation Information

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 640.30 pounds (“lbs”) of carbon monoxide, 11,166.00 lbs of ethylene, 89.00 lbs of nitrogen oxides, and 154.00 lbs of propane were released from the PX-1 Styrene Flare (emission point number (“EPN”) FL-201) and PX1-FUGIT (EPN FU-201) in the PX-1 Unit, during an avoidable emissions event (Incident No. 155264) that began on June 3, 2011 and lasted 44 hours and 40 minutes. The event occurred when heavy corrosion created a hole under the insulation of the ethylene accumulator bypass line. Once the leak was discovered, the unit was shutdown and pollutants were vented to the flare. Since this event could have been avoided by better inspection and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 1176 and PSD-TX-782, Special Conditions No. 1, Federal Operating Permit No. O1513, General Terms and Conditions and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures at the Plant by August 30, 2011:

- a. Replaced the ethylene accumulator bypass line;
- b. Reviewed all carbon steel lines previously excluded from the Corrosion Under Insulation (“CUI”) program due to temperature and identified if dead or intermittent service legs needed to be added to the CUI program; and
- c. Performed an insulation survey at the PX-1 Unit and submitted the results to staff in charge of inspections.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)
2. The Order will also require the Respondent to:

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- a. Within 30 days, in order to prevent recurrence of incidents due to the same causes as those that caused Incident No. 155264:
 - i. Update procedures to include identification of CUI lines during API-570 walk downs to determine if they need to be added to the CUI list and to put a higher priority on insulation damage repairs; and
 - ii. Develop work requests based on findings of insulation survey where piping is susceptible to CUI.
- b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Trina Grieco, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Victor Alvarado, Plant Manager, BP Amoco Chemical Company, P.O. Box 401, Texas City, Texas 77592-0401
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1983-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BP Amoco Chemical Company
Payable Penalty Amount:	Nine Thousand One Hundred Sixty Dollars (\$9,160)
SEP Amount:	Four Thousand Five Hundred Eighty Dollars (\$4,580)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters,

BP Amoco Chemical Company
Agreed Order - Attachment A

nitrogen oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

BP Amoco Chemical Company
Agreed Order - Attachment A

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	17-Oct-2011	Screening	24-Oct-2011	EPA Due	N/A
	PCW	25-Oct-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	BP Amoco Chemical Company				
Reg. Ent. Ref. No.	RN102536307				
Facility/Site Region	12-Houston		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	42843	No. of Violations	1
Docket No.	2011-1983-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$5,000**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 129.0% Enhancement **Subtotals 2, 3, & 7** \$6,450

Notes

Enhancement for seven NOV's with same/similar violations, nine NOV's with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for 23 notices of intent to conduct an audit and three disclosures of violations submitted.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0**Economic Benefit** 0.0% Enhancement* **Subtotal 6** \$0Total EB Amounts \$75
Approx. Cost of Compliance \$1,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$11,450**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$11,450**STATUTORY LIMIT ADJUSTMENT****Final Assessed Penalty** \$11,450**DEFERRAL**

20.0%

Reduction

Adjustment -\$2,290

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$9,160

Screening Date 24-Oct-2011

Docket No. 2011-1983-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 42843

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102536307

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	23	-23%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 129%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven NOVs with same/similar violations, nine NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for 23 notices of intent to conduct an audit and three disclosures of violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 129%

Screening Date 24-Oct-2011

Docket No. 2011-1983-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 42843

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102536307

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 1176 and PSD-TX-782, Special Conditions No. 1, Federal Operating Permit No. 01513, General Terms and Conditions and Special Terms and Conditions No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 640.30 pounds ("lbs") of carbon monoxide, 11,166.00 lbs of ethylene, 89.00 lbs of nitrogen oxides, and 154.00 lbs of propane were released from the PX1 Styrene Flare (emission point number ("EPN") FL-201) and PX1-FUGIT (EPN FU-201) in the PX1 Unit, during an avoidable emissions event (Incident No. 155264) that began on June 3, 2011 and lasted 44 hours and 40 minutes. The event occurred when heavy corrosion created a hole under the insulation of the ethylene accumulator bypass line. Once the leak was discovered, the unit was shutdown and pollutants were vented to the flare. Since this event could have been avoided by better inspection and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$11,450

This violation Final Assessed Penalty (adjusted for limits) \$11,450

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
 Case ID No. 42843
 Reg. Ent. Reference No. RN102536307
 Media Air
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	3-Jun-2011	1-Jun-2012	1.00	\$75	n/a	\$75

Notes for DELAYED costs

Estimated expense to implement an inspection and maintenance program to prevent corrosion from occurring under the insulation of the ethylene accumulator bypass line. The Date Required is the date of the release. The Date Required is the date corrective actions are projected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$75

Compliance History

Customer/Respondent/Owner-Operator:	CN600126775	BP Amoco Chemical Company	Classification: AVERAGE	Rating: 3.68
Regulated Entity:	RN102536307	BP TEXAS CITY CHEMICAL PLANT B	Classification: AVERAGE	Site Rating: 2.16
ID Number(s):	WASTE WATER GENERAL PERMIT	PERMIT	TXG670142	
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00030	
	WASTEWATER	PERMIT	WQ0000452000	
	WASTEWATER	EPA ID	TX0004766	
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD005942438	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30373	
		(SWR)		
	AIR NEW SOURCE PERMITS	REGISTRATION	93791	
	AIR NEW SOURCE PERMITS	REGISTRATION	92266	
	AIR NEW SOURCE PERMITS	REGISTRATION	91585	
	AIR NEW SOURCE PERMITS	PERMIT	31936	
	AIR NEW SOURCE PERMITS	REGISTRATION	47876	
	AIR NEW SOURCE PERMITS	PERMIT	47273	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0001R	
	AIR NEW SOURCE PERMITS	PERMIT	1176	
	AIR NEW SOURCE PERMITS	PERMIT	2244	
	AIR NEW SOURCE PERMITS	PERMIT	2725	
	AIR NEW SOURCE PERMITS	PERMIT	5873	
	AIR NEW SOURCE PERMITS	PERMIT	6841	
	AIR NEW SOURCE PERMITS	REGISTRATION	10070	
	AIR NEW SOURCE PERMITS	REGISTRATION	11911	
	AIR NEW SOURCE PERMITS	REGISTRATION	11987	
	AIR NEW SOURCE PERMITS	REGISTRATION	12181	
	AIR NEW SOURCE PERMITS	REGISTRATION	12225	
	AIR NEW SOURCE PERMITS	REGISTRATION	71903	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX459	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX619	
	AIR NEW SOURCE PERMITS	REGISTRATION	88401	
	AIR NEW SOURCE PERMITS	AFS NUM	4816700002	
	AIR NEW SOURCE PERMITS	REGISTRATION	90000	
	AIR NEW SOURCE PERMITS	REGISTRATION	89999	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX459M2	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX984	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX782	
	AIR NEW SOURCE PERMITS	REGISTRATION	81500	
	AIR NEW SOURCE PERMITS	REGISTRATION	84795	
	AIR NEW SOURCE PERMITS	REGISTRATION	91449	
	AIR NEW SOURCE PERMITS	REGISTRATION	95240	
	AIR NEW SOURCE PERMITS	REGISTRATION	89998	
	AIR NEW SOURCE PERMITS	REGISTRATION	95577	
	AIR NEW SOURCE PERMITS	REGISTRATION	83420	
	AIR NEW SOURCE PERMITS	REGISTRATION	83658	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX782M1	
	AIR NEW SOURCE PERMITS	REGISTRATION	96232	
	AIR NEW SOURCE PERMITS	AFS NUM	4816700141	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0001R	
	AIR OPERATING PERMITS	PERMIT	2329	
	AIR OPERATING PERMITS	PERMIT	1513	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0574L	
	AIR OPERATING PERMITS	PERMIT	2329	
	AIR OPERATING PERMITS	PERMIT	2329	

WATER LICENSING
WASTEWATER LICENSING
IHW CORRECTIVE ACTION

LICENSE
LICENSE
SOLID WASTE REGISTRATION #
(SWR)
ACCOUNT NUMBER

0840213
WQ0000452000
30373
GB0001R

Location: 2800 FM 519 RD E, TEXAS CITY, TX, 77590

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 18, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 18, 2006 to October 18, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/18/2006 ADMINORDER 2006-0692-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit #31936, SC#1 PERMIT
Description: BP failed to prevent a leak in Tower T-201.

Effective Date: 11/18/2006 ADMINORDER 2006-0401-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 1176, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions during a July 20, 2005 emissions event.

Effective Date: 04/28/2008 ADMINORDER 2007-1574-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Air Flexible Permit No. 1176 SC No. 1 PERMIT
Description: Failed to operate under conditions set by permit as a result of an unauthorized emissions event.

Effective Date: 11/06/2008 ADMINORDER 2008-0628-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Permit No. 1176, SC #1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from the POLYB Flare [emission point number ("EPN FL-351")]. Specifically, 5,088 pounds of volatile organic

compounds were emitted on December 19, 2007 in a 6 hour, 2 minute period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 1176, SC #4B PERMIT

Description: Failed to operate the POLYB Flare (EPN FL-351) during the emissions event of December 19, 2007 with a flame present at all times.

Effective Date: 09/16/2011

ADMINORDER 2011-0461-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(a)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1513, General Terms and Conditions OP

FOP O1513, Special Terms & Conditions 1A OP

Description: Failed to conduct a performance test to determine the net heating value of the gas being combusted at the Paraxylene Unit 1 Flare (FL-201) by November 20, 2009.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1513, Special Terms & Conditions 1A OP

Description: Failed to report a deviation. Specifically, the failure to determine the net heating value of the gas being combusted at FL-201 by November 20, 2009 was not reported in the semi-annual deviation report for the July 1 through December 31, 2009 reporting period

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/22/2006	(514027)
2	01/31/2007	(517145)
3	11/29/2006	(531912)
4	12/21/2006	(533409)
5	12/13/2006	(533682)
6	01/08/2007	(534572)
7	12/05/2006	(544394)
8	11/20/2006	(544395)
9	08/03/2007	(563702)
10	07/30/2007	(563704)
11	08/06/2007	(563706)
12	08/10/2007	(570948)
13	08/21/2007	(571073)
14	08/22/2007	(571560)
15	08/20/2007	(571579)
16	09/06/2007	(571584)
17	08/16/2007	(572500)
18	08/29/2007	(573431)
19	09/06/2007	(574072)
20	03/19/2007	(575145)
21	04/16/2007	(575146)
22	05/18/2007	(575147)
23	06/20/2007	(575148)

24	05/15/2007	(575149)
25	01/09/2007	(575150)
26	09/21/2007	(594108)
27	11/06/2007	(596181)
28	11/27/2007	(597422)
29	12/20/2007	(597461)
30	07/17/2007	(601564)
31	08/21/2007	(601565)
32	09/20/2007	(601566)
33	02/25/2008	(610856)
34	02/25/2008	(618987)
35	10/23/2007	(619473)
36	11/19/2007	(619474)
37	12/18/2007	(619475)
38	01/17/2008	(619476)
39	03/06/2008	(636437)
40	04/08/2008	(638876)
41	12/07/2006	(639512)
42	04/08/2008	(640347)
43	04/10/2008	(670508)
44	05/23/2008	(670895)
45	02/21/2008	(671981)
46	03/15/2008	(671982)
47	04/15/2008	(671983)
48	07/18/2008	(681563)
49	08/30/2008	(681760)
50	08/29/2008	(688697)
51	10/02/2008	(689600)
52	08/19/2008	(689626)
53	05/12/2008	(689899)
54	06/19/2008	(689900)
55	07/14/2008	(689901)
56	10/03/2008	(699560)
57	08/13/2008	(710680)
58	09/19/2008	(710681)
59	10/15/2008	(710682)
60	02/11/2009	(722179)
61	11/14/2008	(727443)
62	01/15/2009	(727444)
63	05/26/2009	(741498)
64	06/19/2009	(748660)
65	08/11/2009	(749538)
66	06/18/2009	(749569)
67	08/06/2009	(749666)
68	02/19/2009	(750201)
69	03/18/2009	(750202)
70	04/20/2009	(750203)
71	12/18/2008	(750204)
72	07/24/2009	(760557)
73	05/20/2009	(768311)
74	02/24/2009	(777396)
75	02/18/2009	(777397)

76	03/19/2010	(780633)
77	01/22/2010	(789251)
78	03/30/2010	(794098)
79	06/18/2010	(794128)
80	08/23/2010	(794237)
81	02/19/2010	(804510)
82	06/24/2009	(804511)
83	07/20/2009	(804512)
84	08/20/2009	(804513)
85	09/18/2009	(804514)
86	10/20/2009	(804515)
87	11/19/2009	(804516)
88	12/18/2009	(804517)
89	01/20/2010	(804518)
90	03/17/2010	(830828)
91	04/20/2010	(830829)
92	05/20/2010	(830830)
93	07/28/2010	(841509)
94	06/17/2010	(846250)
95	12/06/2010	(857846)
96	03/07/2011	(860327)
97	07/20/2010	(860845)
98	07/22/2010	(863284)
99	08/20/2010	(866811)
100	08/23/2010	(869781)
101	11/13/2010	(871501)
102	09/17/2010	(873883)
103	09/20/2010	(876719)
104	10/19/2010	(881484)
105	10/25/2010	(884245)
106	10/04/2010	(890614)
107	02/18/2011	(895584)
108	12/14/2010	(896218)
109	05/31/2011	(900097)
110	01/18/2011	(902287)
111	01/24/2011	(904866)
112	02/16/2011	(909063)
113	02/22/2011	(911812)
114	05/10/2011	(916035)
115	03/14/2011	(916326)
116	04/20/2011	(924767)
117	04/07/2011	(932363)
118	06/13/2011	(933041)
119	06/13/2011	(933063)
120	10/04/2011	(937657)
121	05/16/2011	(938006)
122	06/15/2011	(938007)
123	05/24/2011	(940792)
124	09/01/2011	(945123)
125	09/06/2011	(945212)
126	06/15/2011	(945330)

127 06/20/2011 (948188)
128 10/14/2011 (948326)
129 08/18/2011 (948697)
130 07/20/2011 (952604)
131 07/19/2011 (955426)
132 08/19/2011 (959285)
133 08/22/2011 (962048)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/22/2006 (514027) CN600126775
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(5)
Description: Purchased Water
Failure to secure a contract which specifies a maximum hourly purchase rate for systems which purchase water under direct pressure.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Operating Practices for Public Water Systems
Failure to operate a non-transient, non-community water system, such as yours, under the direct supervision of a licensed water works operator.

Date: 08/03/2007 (563702) CN600126775
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
No. 1176, Special Condition No. 1 PERMIT
Description: BP failed to meet the affirmative defense.

Date: 12/20/2007 (597461) CN600126775
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(H)
Description: BP failed to include on the final report all individually listed compounds were known to have been released during the emissions event.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(I)
Description: BP failed to identify on the final report the authorization number of the permit governing the facilities involved in the emissions event.

Date: 04/08/2008 (638876) CN600126775
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
TCEQ Air Flexible Permit No. 1176, SC #1 PA
Description: BP failed to prevent the compressor trip that caused this emissions event.

Date: 04/10/2008 (670508) CN600126775
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS

Date: 09/02/2008 (681760) CN600126775
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
SC 17E PERMIT
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to seal open-ended lines containing volatile organic compounds
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
SC 4A PERMIT
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to maintain flare operations at or above 300 Btu/scf limit
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
SC4A PERMIT
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to maintain flare operations at or above 300 Btu/scf limit
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
5C THSC Chapter 382 382.085(b)
SC 20 PERMIT
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to submit the HON semi-annual report within the required time frame
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to submit the MECT report within the required time frame
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A PERMIT

Description: Failure to submit the final emissions report to the TCEQ within the required time frame
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(b)(1)
5C THSC Chapter 382 382.085(b)
ST&C 1A PERMIT

Description: Failure to conduct audio, visual, and olfactory monitoring on the PX1FUGIT unit and PX 2 FUGIT units
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC4D PERMIT
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to maintain continuous monitoring on the flare; flare analyzer out of service
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 12 PERMIT
ST&C 17 PERMIT

Description: Failure to maintain annual tank inspection records for IFR tanks TF-2113 and

TF-2118

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A PERMIT

Description: Failure to conduct the fire water test during the restricted operating hours of 6 am and noon

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
ST&C 1A PERMIT

Description: Failure to log hours of operation for the fire water pump (P 1302)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
SC 6E PERMIT
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to seal open-ended lines/valves

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to seal 1 open-ended line on PX-2-FUGIT

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
SC 4A PERMIT
ST&C 17 PERMIT
ST&C 1A PERMIT

Description: Failure to maintain flare FL-601 operating at or above 300 Btu/scf limit

Date: 02/12/2009 (722179)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.345(c)
5C THSC Chapter 382 382.085(b)
Special Condition 9C PERMIT

Description: Failure to submit test results within 60 days of test date for PX unit H-101 Heater RATA.

Date: 05/26/2009 (741498)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Specifically BP failed to prevent a flange leak on D-203 degassing line.

Date: 04/01/2010 (794098) CN600126775

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)

5C THSC Chapter 382 382.085(b)
Description: Failure to provide written notification of off-permit changes in a timely manner for the replacement of flare PX-1 with flare FL-201 (Category B3).

Date: 07/29/2010 (841509)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
TCEQ Flexible Permit No. 1176, SC #1 PERMIT

Description: BP failed to prevent a spill at Chemical Dock Tank 203.

Date: 02/18/2011 (895584)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
TCEQ Flexible Permit 1176, SC #1 PERMIT

Description: BP failed to maintain a flame on one of their flares. (Category B19(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
TCEQ Flexible Permit 1176, SC #12B PERMIT

Description: BP failed to maintain a flame on their temporary flare. (Category B19(g)(1))

Date: 03/08/2011 (860327)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 17E PA
Special Conditions 1A, 15 OP

Description: Failure to cap/plug open-ended lines in Highly Reactive Volatile Organic Compound (HRVOC), Hazardous Air Pollutant (HAP's) and Volatile Organic Compound (VOC) service. Category C10 violation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to sample two highly reactive volatile organic compound (HRVOC) flare analyzers. Category C1 violation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to limit carbon monoxide (CO) emissions to 400 ppmv on a 24-hour rolling average. Category B14 violation.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor pumps in Hazardous Air Pollutant (HAP's) service. Category C1 violation.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor agitators in Hazardous Air Pollutant (HAP's) service. Category C1 violation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 4A PA
Special Conditions 1A, 15 OP

Description: Failure to demonstrate compliance with a flare net heating value at 300 Btu/Scf.

Category B14 violation.

Date: 05/31/2011 (900097)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Terms & Conditions 1A OP

Description: Failure to ensure that stationary diesel engines (Unit ID: P216A and Unit ID: P216B) were not operated during the hours of 6:00 a.m. through noon on February 23, 2010 and May 17, 2010. (Category C4)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(b)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Terms & Conditions 1A OP

Description: Failure to conduct and document weekly visual inspections on pumps, agitator seals and flanges (EPN: FU-152) during the period from January 11, 2010 through January 17, 2010; May 4, 2010 through May 10, 2010; and December 22, 2010 through December 28, 2010. (Category C1)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Terms & Conditions 7 OP
NSR Special Condition 6K PERMIT

Description: Failure to maintain the temperature on Tank T-202 (identified as ST-152) from reaching above 70 degrees Fahrenheit from November 30, 2010 through December 24, 2010. (Category C4)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Terms & Conditions 7 & 1A OP
NSR Special Condition 17E PERMIT

Description: Failure to seal five open-ended lines while in VOC service from December 14, 2010 through December 17, 2010 at Unit ID: DOCK-FUGIT. (Category C10)

Date: 06/30/2011 (952604)

CN600126775

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/01/2011 (945123)

CN600126775

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring Req. PERMIT

Description: Failed to maintain compliance with the permitted effluent limits.

Date: 10/03/2011 (937657)

CN600126775

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain the Paraxylene/Styrene flare lit at all times. [Category B3 violation]

Notice of Intent Date: 01/08/2007 (543529)

Disclosure Date: 02/15/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 136, SubChapter D, PT 136.136.3

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.11

Rqmt Prov: PERMIT TPDES 0452

Description: Failure to analyze pH samples from the Chemical Plant Docks Outfalls within 15 minutes of collection on several occasions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125

Rqmt Prov: PERMIT TPDES WQ0000452-000

Description: Failure to report accurate sampling results for several Discharge Monitoring Reports (DMRs) associated with BP Chemical Outfalls 0001, 002, 003, and 004.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT TPDES WQ0000452-000

Description: Failure to collect samples on October 11, 2006 when there was a discharge from Chem Plant Dock Outfalls 001 and 002.

Notice of Intent Date: 01/08/2007 (543530)

No DOV Associated

Notice of Intent Date: 01/08/2007 (543531)

Disclosure Date: 06/29/2007

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT NSR Permit 1176

PERMIT PSD TX-782

Description: Failure to reduce NOx and CO CEMs to hourly average concentrations on a daily basis and to pounds per hour on a weekly basis from the following TCC heaters: BX1-H-101, PX1-H103/104, PX2-H1103/1104, and MX2-H201.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

30 TAC Chapter 122, SubChapter B 122.146

Description: Failure to include violations associated with disclosures in the Title V deviation report or the compliance certification for the applicable time period.

Notice of Intent Date: 01/15/2007 (543525)

No DOV Associated

Notice of Intent Date: 01/15/2007 (543528)

No DOV Associated

Notice of Intent Date: 02/27/2007 (554847)

Disclosure Date: 05/01/2007

Viol. Classification: Major

Citation: 30 TAC Chapter 205, SubChapter A 205.4

Description: Failure to apply for coverage under the Construction Storm Water Genral Permit for "construction" of the Mowtown and Merville contractor areas. Further, BP did not submit a Notice of Intent to apply for coverage under the MSGP following construction or comply with the terms of the MSGP (TXR05000).

Notice of Intent Date: 05/25/2007 (563636)

No DOV Associated

Notice of Intent Date: 05/31/2007 (571651)

No DOV Associated

Notice of Intent Date: 06/08/2007 (565939)

No DOV Associated

Notice of Intent Date: 08/08/2007 (593459)

No DOV Associated

Notice of Intent Date: 09/10/2007 (596475)

No DOV Associated

Notice of Intent Date: 09/11/2007 (596527)

No DOV Associated

Notice of Intent Date: 09/25/2007 (618192)

No DOV Associated

Notice of Intent Date: 10/05/2007 (618167)

No DOV Associated

Notice of Intent Date: 10/05/2007 (618181)

No DOV Associated

Notice of Intent Date: 02/11/2008 (639342)

No DOV Associated

Notice of Intent Date: 02/13/2008 (639362)

No DOV Associated

Notice of Intent Date: 03/12/2008 (646278)

No DOV Associated

Notice of Intent Date: 03/20/2008 (654992)

No DOV Associated

Notice of Intent Date: 03/31/2008 (646279)

No DOV Associated

Notice of Intent Date: 03/31/2008 (646285)

No DOV Associated

Notice of Intent Date: 03/31/2008 (654975)

No DOV Associated

Notice of Intent Date: 04/15/2008 (654978)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BP AMOCO CHEMICAL
COMPANY
RN102536307**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-1983-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BP Amoco Chemical Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 2800 Farm-to-Market Road 519 East in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 19, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eleven Thousand Four Hundred Fifty Dollars (\$11,450) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Four Thousand Five Hundred Eighty Dollars (\$4,580) of the administrative penalty and Two Thousand Two Hundred Ninety Dollars (~~\$2,290~~) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Four Thousand Five Hundred Eighty Dollars (\$4,580) shall be conditionally offset by Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant by August 30, 2011:
 - a. Replaced the ethylene accumulator bypass line;
 - b. Reviewed all carbon steel lines previously excluded from the Corrosion Under Insulation ("CUI") program due to temperature and identified if dead or intermittent service legs needed to be added to the CUI program; and
 - c. Performed an insulation survey at the PX-1 Unit and submitted the results to staff in charge of inspections.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 1176 and PSD-TX-782, Special Conditions No. 1, Federal Operating Permit No. O1513, General Terms and Conditions and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 26, 2011. Specifically, unauthorized emissions of 640.30 pounds ("lbs") of carbon monoxide, 11,166.00 lbs of ethylene, 89.00 lbs of nitrogen oxides, and 154.00 lbs of propane were released from the PX-1 Styrene Flare (emission point number ("EPN") FL-201) and PX1-FUGIT (EPN FU-201) in the PX-1 Unit, during an avoidable emissions event (Incident No. 155264) that began on June 3, 2011 and lasted 44 hours and 40 minutes. The event occurred when heavy corrosion created a hole under the insulation of the ethylene accumulator bypass line. Once the leak was discovered, the unit was shutdown and pollutants were vented to the flare. Since this event could have been avoided by better inspection and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BP Amoco Chemical Company, Docket No. 2011-1983-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I above, Four Thousand Five Hundred Eighty Dollars (\$4,580) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, in order to prevent recurrence of incidents due to the same causes as those that caused Incident No. 155264:
 - i. Update procedures to include identification of CUI lines during API-570 walk downs to determine if they need to be added to the CUI list and to put a higher priority on insulation damage repairs; and
 - ii. Develop work requests based on findings of insulation survey where piping is susceptible to CUI.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/2/12


Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

1/4/12

Date

Victor Alvarado

Name (Printed or typed)
Authorized Representative of
BP Amoco Chemical Company

Plant Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-1983-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BP Amoco Chemical Company
Payable Penalty Amount:	Nine Thousand One Hundred Sixty Dollars (\$9,160)
SEP Amount:	Four Thousand Five Hundred Eighty Dollars (\$4,580)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters,

BP Amoco Chemical Company
Agreed Order - Attachment A

nitrogen oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.